

20200603D

HOUSE BILL NO. 5120

Offered August 24, 2020

A BILL to assist guests of certain transient lodging impacted by the COVID-19 pandemic; suspending self-help evictions; emergency.

Patrons—Jenkins (By Request), Cole, J.G. and Rasoul

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. § 1. That beginning with the effective date of this act and ending 30 days after the expiration or revocation of any state of emergency declared by the Governor related to the COVID-19 pandemic, referred to in this subsection as the "covered period", the provisions of subsection D of § 55.1-1201 of the Code of Virginia shall be suspended and that the following provisions shall operate instead:

D. The following provisions apply to occupancy in a hotel, motel, extended stay facility, etc. during the covered period:

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging as his primary residence for 90 consecutive days or less, such lodging shall not be subject to the provisions of this chapter.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

5. Notwithstanding any provision of this subsection, prior to making any attempt to evict a guest who resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging as his primary residence for 90 consecutive days or less or is subject to a written lease for 90 days or less, the innkeeper or property owner of such transient lodging, or his agent, shall provide notice in accordance with § 55.1-1202 and include with such notice an opportunity for the guest to provide evidence demonstrating that the guest's stay is a direct or indirect result of the COVID-19 pandemic within five days of receipt of notice.

If the guest timely responds with sufficient evidence that his stay is a direct or indirect result of the COVID-19 pandemic, the innkeeper or property owner of such transient lodging, or his agent, shall not have the right to use self-help eviction under Virginia law. Such guest shall only be evicted according to the provisions of this chapter, including the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of eviction issued pursuant to such action.

If the guest does not timely respond with sufficient evidence that his stay is a direct or indirect result of the COVID-19 pandemic, the innkeeper or property owner of such transient lodging, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of eviction issued pursuant to such action.

Nothing herein shall be construed to preclude the owner of a lodging establishment that uses self-help eviction pursuant to this section from pursuing any civil or criminal remedies under the laws of the Commonwealth.

2. That an emergency exists and this act is in force from its passage.

INTRODUCED

HB5120